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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,065	01/21/2004	Mattias Klasson	2.S649.12US.457	4592

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Ronald R. Santucci  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151

EXAMINER
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HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4

## Office Action Summary

Application No.

10/762,065

Applicant(s)

KLASSON ET AL.

Examiner

Ronald D. Hartman Jr.

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/11/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 11-22 are presented for further examination.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 11, 13, 17 and 19 have been considered but are moot in view of the new ground(s) of rejection, as set forth below in this office action.

#### ***Claim Objections***

3. Claim 11, line 16, "and contained in memory" is confusing.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. U.S. Patent No. 5,872,928, in view of Humpleman et al., U.S. Patent No. 6,546,419.

As per claims 11 and 13, Lewis teaches configuration method for a plurality of devices which are connected to a communications network, the method comprising:

- a step, occurring over all of the devices, in which data associated with a type of device is stored in a memory (e.g. C2 L50-58);
- a step, occurring over all of the devices, in which control coefficients or algorithms (i.e. control parameters or functions) are determined based on the data in

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memory and based on general information characterizing the different types of devices (e.g. Figure 2 element 58; Figure 5; Figure 6) and

- a step in which the control coefficients or algorithms are modified in order to manage conflicts and interactions between different devices (e.g. Figure 8 and Figure 13; elements 140, 142 and 144).

As per claims 11 and 13, Lewis does not specifically teach the communication network being incorporated within the confines of a building automation system, and therefore does not teach the utilization of specific building automation devices, such as the use of solar protection and/or lighting devices. Lewis, however, does teach that the devices, which may be re-configured, are communication devices such as a router.

Humpleman et al. teaches a building automation system which utilizes routers for communicating with other aspects of the building automation system (C1 L33-51). Furthermore, Humpleman also teaches the control of specific devices such as lighting devices, the ability to set up control parameters and to configure these devices, in addition to controlling other devices such as curtains, windows and blinds (e.g. C22 L34-40 and C23 L4-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the configuration steps, as disclosed by Lewis et al., into a building automation system, as disclosed by Humpleman, for the purpose of providing a reliable means of concurrently controlling a plurality of networked devices. That is, since Lewis et al. is directed towards configuring communication network devices, such as routers, and since Humpleman's building automation system is a communication network, per se, used for controlling and configuring numerous devices connected to the network, it would have been obvious to include the features lacking in Lewis, into the system disclosed by Humpleman, for the added benefit of making sure that no conflicts exist between the devices, and that in the event there is a conflict, a simple remedy or resolution may be implemented so that changes necessary to the

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continued successful operation of the devices may continue as usual, thereby forming a more reliable and efficient means of controlling a communication network, such as a building automation network, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claims 12 and 14, Lewis et al. further teaches a single item of data defining the type of device (e.g. C6 L47-56; "configuration name" or "model type").

As per claims 15 and 16, the rejection, as applied to claims 11 and 13, from above, is applied equally herein. The "means " has been interpreted to be the functional equivalent of "a computer", the computer performing the steps of claim 1.

6. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. U.S. Patent No. 5,872,928, in view of Humpleman et al., U.S. Patent No. 6,546,419, further view of Werner et al., U.S. Patent No. 6,064,949.

As per claims 17 and 19, the rejection of claims 11 and 13, from above, is applied equally herein.

Furthermore, Lewis' combined system (Lewis et al. in view of Humpleman et al.) does not specifically gathering specific data related to the network connected devices, the specific data being associated with data defining an exposure of an opening with respect to the sun and data defining a desired visual comfort. These features are interpreted to be the equivalent of utilizing data about the "orientation of windows with respect to the sun" and "a desired brightness".

Werner et al. teaches the utilization of the aforementioned data for use in a building automation system, the data being used for controlling devices such as a screening device (e.g. C2 L22-49 and C4 L15-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Werner et al. into Lewis' combined system for the purpose of allowing the building automation to function in an energy efficient manner by maintaining the desired amount of sunlight entering a

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building so that building automation resources such as HVAC system may operate in an optimized manner so as to provide a consistent comfort level for an occupant of the building, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claims 18 and 20, the rejection of claims 12 and 14, from above, is applied equally herein.

As per claims 21 and 22, the rejection of claims 15 and 16, from above, is applied equally herein.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is (571) 272 - 3684. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached at (571) 272 - 3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anthony Knight  
Supervisory Patent Examiner  
Group 3600

Ronald D Hartman Jr.  
Patent Examiner  
Art Unit 2121

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